

1 R. BRIAN DIXON, Bar No. 76247
2 LAURA E. HAYWARD, Bar No. 204014
3 LITTLER MENDELSON
4 A Professional Corporation
5 650 California Street, 20th Floor
6 San Francisco, CA 94108.2693
7 Telephone: 415.433.1940
8 Facsimile: 415.743.6665
9 Email: bdixon@littler.com

10 Attorneys for Defendant
11 SAFEWAY INC.

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 LACHLAN WATERBURY, KEN
16 FAROTTE, individually and on behalf of
17 all others similarly situated,

18 Plaintiffs,

19 v.

20 SAFEWAY INC., and DOES 1-25,
21 inclusive,

22 Defendants.

Case No. C-06-02072 SBA

**DEFENDANT SAFEWAY INC.'S
STATEMENT REGARDING STATUS OF
RELATED LITIGATION**

1 As requested by the Court, Defendant Safeway Inc. ("Defendant") hereby submits
2 this statement regarding the status of two cases which are closely related to the pending litigation.

3 This action is stayed because of a similar class action in Los Angeles County Superior
4 Court, *Knoch v. Safeway Inc. et al.*, Los Angeles Superior Court Case No. BC 278726 ("*Knoch I*")
5 and its related case *Knoch v. Safeway Inc. et al.*, Los Angeles Superior Court Case No. BC 277481
6 ("*Knoch II*"). The *Knoch I* lawsuit was filed on July 31, 2002, and a First Amended Complaint was
7 filed on October 17, 2002, on behalf of a purported class, which includes assistant managers. *Knoch*
8 *I* alleges causes of action for (1) unlawful nonpayment of overtime compensation, (2) failure to
9 compensate for all hours worked, (3) unfair business practices under California Business and
10 Professions Code section 17200, (4) failure to pay wages upon discharge, and (5) conversion. The
11 *Knoch I* lawsuit was previously deemed related to the *Knoch II* lawsuit, filed on July 11, 2002 on
12 behalf of a purported class, which includes assistant managers, and alleges, *inter alia*, that Defendant
13 made unlawful deductions from the wages of putative class members by reducing their bonuses.

14 Plaintiffs have filed motions to certify the proposed classes in both cases and
15 Defendant has filed a motion to deny certification. Most recently, on January 8, 2007, Defendant
16 filed its oppositions to Plaintiffs' Motions to Certify Classes (while the *Knoch I* and *Knoch II* cases
17 are consolidated, Plaintiffs made separate motions on the bonus and overtime claims). In addition,
18 Plaintiffs filed their opposition to Defendant's Motion to Deny Class Certification. Reply briefs as
19 to Plaintiffs' Motions to Certify and Defendant's Motion to Deny Certification will be filed on
20 January 22, 2007. The hearing on class certification is set for February 6, 2007.

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1 Defendant respectfully suggest that a further update be provided on February 28,
2 2007, by which date the Court before which the *Knoch* cases are pending will likely have ruled on
3 the pending motions.

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5 Dated: January 10, 2007

Laura E. Hayward

6 LAURA E. HAYWARD
7 LITTLER MENDELSON
8 A Professional Corporation
9 Attorneys for Defendant
10 SAFEWAY INC.

11 Firmwide:81894309.1 001153.1523

